

from livestock producers and sellers at these stations, and the price Dealer-1 paid the producers and sellers was based on the quality classification and weight of the swine.

3. Defendants STEVEN CHARLES DEMARAY and BILLIE JOE WICKHAM were employees of Dealer-1. Defendant STEVEN CHARLES DEMARAY served as a regional buying manager for Dealer-1, and defendant BILLIE JOE WICKHAM was one of its bookkeepers. Defendants STEVEN CHARLES DEMARAY and BILLIE JOE WICKHAM each worked within Dealer-1's headquarters.

The Scheme to Defraud

4. Beginning no later than May 2016, and continuing through at least March 2017, in the Northern District of Iowa, defendants STEVEN CHARLES DEMARAY and BILLIE JOE WICKHAM did voluntarily and intentionally (1) participate in a scheme and artifice to defraud with knowledge of its fraudulent nature and (2) obtain the money and property of livestock producers and sellers by means of false and fraudulent pretenses, representations, and promises (collectively, "the scheme to defraud").

Manner and Means of the Scheme to Defraud

5. It was a part of the scheme to defraud that defendants STEVEN CHARLES DEMARAY and BILLIE JOE WICKHAM falsely and fraudulently lowered the weights and reduced the classifications of swine that producers and sellers had delivered to Dealer-1 at its buying stations. For example, after receiving

weights and classifications on "sort sheets" via facsimile machine from Dealer-1's station managers at Hampton and Latimer, Iowa, defendant STEVEN CHARLES DEMARAY would lower the weights and reduce the classifications of the producers' swine. Then, using a manual scale located within Dealer-1's headquarters building, defendant BILLIE JOE WICKHAM would create false and fraudulent scale tickets bearing the lower weights and classifications and mark these false and fraudulent scale tickets with the initials of the managers at the buying stations. As defendants STEVEN CHARLES DEMARAY and BILLIE JOE WICKHAM well knew, the lowered weights and reduced classifications had no basis in fact. By thus falsifying the producers' accounts of purchase with Dealer-1, defendants caused Dealer-1 to create false and fraudulent invoices and to pay less than what was due and owing to those sellers of livestock.

6. It was also part of the scheme to defraud that defendants STEVEN CHARLES DEMARAY and BILLIE JOE WICKHAM would make false and misleading statements to USDA officials in order to conceal the scheme to defraud and to lull livestock sellers into a false sense of security about Dealer-1's buying practices as a dealer under the Act. Further, defendants STEVEN CHARLES DEMARAY and BILLIE JOE WICKHAM destroyed documents bearing the true weights and classifications of the livestock in question.

Execution of the Scheme to Defraud

7. Defendants STEVEN CHARLES DEMARAY and BILLIE JOE WICKHAM knowingly executed and attempted to execute the scheme to defraud by

knowingly causing to be delivered by United States Mail according to the direction thereon and at the place at which it was directed to be delivered by the person to whom it was addressed as follows:

Count 1: On or about November 15, 2016, a mailing containing a false and fraudulent invoice and checks (Nos. 103030 and 103031) payable to Producer-1 in the amounts of \$3,439.19 and \$5,621.72, respectively, from Dealer-1 in the Northern District of Iowa to Producer-1 at Minneapolis, Minnesota.

Count 2: On or about December 19, 2016, a mailing containing a false and fraudulent invoice and check (No. 103325) payable to Producer-1 in the amount of \$4,018.36, from Dealer-1 in the Northern District of Iowa to Producer-1 at Minneapolis, Minnesota.

8. This was in violation of Title 18, United States Code, Section 1341.

A TRUE BILL

s/Foreperson

Grand Jury Foreperson

Date

11-04-21

SEAN R. BERRY
Acting United States Attorney

By:

Timothy L. Vavricek

TIMOTHY L. VAVRICEK
Assistant United States Attorney

